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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,650	08/21/2003	Joel Gaillard	1-37062	9925
4859	7590	06/16/2004	EXAMINER	
MACMILLAN SOBANSKI & TODD, LLC ONE MARITIME PLAZA FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604-1619				KOYAMA, KUMIKO C
ART UNIT		PAPER NUMBER		
		2876		

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

(DW)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/646,650	GAILLARD, JOEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kumiko C. Koyama	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>082103,040904</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____ .                                   |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claims 1-14 are objected to because of the following informalities:  
  
Re claims 1, 2, 10, 11, 13 and 14, line 1:  
  
“IDE” should be changed to --identification data elements (IDE)--.  
  
“PID” should be changed to --portable identification device (PID)--.  
  
Re claim 12, line 1: “PID” should be changed to --Portable identification device (PID)--.  
  
Re claim 12, line 7: “IDE” should be changed to --identification data elements (IDE)--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Flitcroft (US 6,636,833).

Flitcroft discloses a credit card system and method that provides additional limited-use credit card numbers. The credit card provider generates a list of additional credit card numbers, whether they be single use or multiple use, and allocate additional credit numbers to a master credit card as a further credit card number for optional use instead of master credit card number (col 11, lines 65). The limited-use number is associated with the master account number (col 28, lines 65+). The credit card provider operates a central processing station (col 9, lines 42-44). The central processing station includes the capability of transmitting the limited-use credit card numbers to the customer (col 10, lines 25-27). The numbers are downloaded to a user's smart card through an appropriate interface, or can be downloaded to a radio unit via wireless communication (col 10, lines 45-50). The numbers are added to an "issued, but not valid" list of numbers, and then as soon as single use number is invalidated on use, an additional number from the "issued not valid" list for that customer is allocated to the "issued and valid" list, ensuring a continual supply of single use numbers up to the maximum allowed until the next set of single use numbers are issued (col 14, lines 12-58). The number that was used for the transaction is an active IDE, and is invalidated as well as inactivated upon use. The additional numbers that transformed from the "issued not valid" to the "issued and valid" are IDE that transformed from inactive to active. Flitcroft discloses the processing of such limited-use cards includes such steps as verifying the limited-use number is valid, verifying the transaction limitations, verify that transaction falls within limits acceptable for the associated account, provide authorization to the merchant if valid, permitting transactions, invalidating the limited-use number for further

Art Unit: 2876

authorizations/payments if limitations on use are met or exceeded by a specific transaction, instigate payment to merchant for approved transactions etc (col 23, lines 12-46).

5. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Daggar (US 5,748,737, as cited by the Applicant).

Daggar teaches a multimedia electronic wallet having a microprocessor (col 10, lines 50-55), memory (col 10, lines 50-55), a radio frequency transceiver (col 12, lines 31-33) (which is a communication device), and a keypad (which is a user interface) (col 10, line 38). The memory includes plurality of digital data card sets (col 24, lines 5-10), which is a plurality of IDE allowing to identify an account.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft in view of Risafi et al (US 6,473,500).

Flitcroft discloses a credit card system and method that provides additional limited-use credit card numbers. The credit card provider generates a list of additional credit card numbers, whether they be single use or multiple use, and allocate additional credit numbers to a master credit card as a further credit card number for optional use instead of master credit card number (col 11, lines 65). The limited-use number is associated with the master account number (col 28,

lines 65+). The credit card provider operates a central processing station (col 9, lines 42-44). The central processing station includes the capability of transmitting the limited-use credit card numbers to the customer (col 10, lines 25-27). The numbers are downloaded to a user's smart card through an appropriate interface, or can be downloaded to a radio unit via wireless communication (col 10, lines 45-50). The numbers are added to an "issued, but not valid" list of numbers, and then as soon as single use number is invalidated on use, an additional number from the "issued not valid" list for that customer is allocated to the "issued and valid" list, ensuring a continual supply of single use numbers up to the maximum allowed until the next set of single use numbers are issued (col 14, lines 12-58). The number that was used for the transaction is an active IDE, and is invalidated as well as inactivated upon use. The additional numbers that transformed from the "issued not valid" to the "issued and valid" are IDE that transformed from inactive to active. Flitcroft discloses the processing of such limited-use cards includes such steps as verifying the limited-use number is valid, verifying the transaction limitations, verify that transaction falls within limits acceptable for the associated account, provide authorization to the merchant if valid, permitting transactions, invalidating the limited-use number for further authorizations/payments if limitations on use are met or exceeded by a specific transaction, transmit records of limited-use and other card transactions to the user by post or e-mail, instigate payment to merchant for approved transactions etc (col 23, lines 12-46). Flitcroft also teaches that the deactivated numbers can be reactivated providing that a sufficiently long time since their first activation has transpired (col 11, lines 40-44). Flitcroft also teaches that a list of invalidated number are maintained (col 23, lines 35-36).

Flitcroft does not specifically teach changing the state of the transaction institution and transmitting an IDE called active IDE among the valid IDE of the PID to the transaction institution.

Risafi discloses the card number is transmitted over a communications network to the card processing center to be stored in an account file associated with the card number. Also transmitted and stored in the account file is the amount of value purchased. The balance remaining on the card after a purchase or purchases are made will be kept in the account file (col 4, lines 22-29). Such teachings teaches that an active IDE is transmitted to the transaction institution and changing the state of the transaction institution. Risafi also teaches that the card includes permanent identifiers such as issuer's name, and logo of financial servies (col 11, lines 1-10).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Risafi to the teachings of Flitcroft such that the financial institution and the card carries identical information to synchronize the account information in order to provide the card holder the account statement/bill with the proper account balance. Without such modification, further problems may occur because one number may be valid at the financial institution, but not valid within the card or vise versa. Such problem leads to inaccurate balance information, and subsequently provides the customer with inaccurate statement/bills.

8. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft in view of Risafi as applied to claim 2 above, and further in view of Taylor (US 5,530,232 as cited by Applicant). The teachings of Flitcroft as modified by Risafi have been discussed above.

Art Unit: 2876

Flitcroft as modified by Risafi fail to teach that the PID is used to identify first and second distinct accounts that are located in distinct financial institutions and the IDE is divided in first and second portions.

Taylor teaches a multi-application data card that holds data for a number of applications such as American Express, Visa, Master Charge, etc., and records together with each PIN, account number, etc (col 3, lines 52-67). The card includes at least three memory banks or storage (col 4, lines 48-53).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Taylor to the teachings of Flitcroft as modified by Risafi in order to reduce the number of cards that the account holder needs to carry.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshida et al., U.S. Patent No. 6,129,272, discloses an electronic payment system using check identifier and issue time for illegal acts detection.

Carrithers et al., U.S. Patent No. 5,689,100, discloses a debit card system and method for implementing incentive award program.

Wilkins, U.S. Patent No. 5,317,137, discloses a magnetic debit card reader fraudulent use prevention.

Smith et al., U.S. Patent No. 5,777,305, discloses a package assembly and method for activating prepaid debit cards

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kumiko C. Koyama*  
Kumiko C. Koyama  
June 12, 2004

DIANE I. LEE  
PRIMARY EXAMINER

*Diane I. Lee*